

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE PETITION OF)
JOHN NICHOLS REQUESTING THE PUBLIC)
SERVICE COMMISSION TO OPEN A DOCKET) PSC DOCKET NO. 18-1097
TO REVIEW THE QUALIFIED FUEL CELL)
PROVIDER TARIFF)
(FILED SEPTEMBER 21, 2018))

ORDER NO. 9283

AND NOW, this 9th day of October, 2018, the Delaware Public Service Commission (the "Commission") having considered the Motion of the Delaware Public Service Commission Staff ("Staff") and the Delaware Division of the Public Advocate ("DPA") to Dismiss the Petition ("Petition") filed by Mr. John Nichols ("Nichols"); and the Commission having heard oral argument from the parties at its regularly-scheduled meeting on October 9, 2018;

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NO FEWER THAN THREE COMMISSIONERS, THAT:

1. The Motion is **GRANTED**.
2. Because Delaware law clearly restricts the Commission from engaging in any attempt to modify the provisions of the approved Tariff, whether directly or indirectly, and creates an enforceable revenue property for Bloom that is enforceable with the guaranty of the State of Delaware, and because only a court of law may interpret the provisions of the Tariff as between Delmarva and Bloom, the Commission has no choice but to dismiss the Petition.
3. The Nichols Petition is hereby **DISMISSED**. The Secretary is instructed to close Docket No. 18-1097.

4. The Commission retains jurisdiction and authority to enter such further orders in this docket as may be deemed just and reasonable.

BY ORDER OF THE COMMISSION:

Chairman

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary